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8/2/94

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Talking Points for Meeting with
Assistant Secretary Shattuck and G.O.R. in Kigali

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There are six issues I would like to discuss with you today:

- (1) possibility of domestic trials of perpetrators;
- (2) prompt establishment of an international War Crimes Tribunal for Rwanda
- (3) detention standards for suspects;
- (4) gathering of information and evidence for the Commission of Experts and War Crimes Tribunal.
- (5) creating conditions to encourage the return of refugees from neighboring states;
- (6) building democratic institutions, including a judiciary system, over the long-term.

Domestic Trials

-- We understand from conversations with George Moose and news accounts that there is concern in the Rwanda Government that the United Nations may move unduly slowly to establish an international War Crimes Tribunal for Rwanda and that, as a result, there may be domestic pressure to prosecute perpetrators within a Rwandan judicial system.

-- I would like to hear whether those accounts are accurate and, if so, what kinds of perpetrators you have in mind and the number of prosecutions you currently are envisioning.

-- Let me, emphasize, however, that while we understand and share the urgency you feel that perpetrators of genocide and other atrocities be brought to justice, we are very concerned that trials in Rwanda could be extremely contentious, would create the risk of a new spate of violence, and ultimately, would expose the Government unnecessarily to the charge of bias and unfairness.

-- We believe it is critical for peace, stability and legitimacy that such perpetrators be tried before an international body that will be perceived by all parties as being fair and impartial.

-- Trial by an impartial, international body, rather than within a Rwandan judicial system, would make it difficult for extremists to claim an ethnic bias or an unfair judiciary system and convictions would establish a clear

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precedent internationally that those who commit atrocities will be punished by the international community.

-- We also believe it is important for Rwanda and Africa in general that atrocities in Rwanda receive a response by the international community commensurate with that given to the former Yugoslavia.

-- We hope to put to rest today and over the coming weeks any doubts you may have about the commitment or ability of the international community to establish a Tribunal quickly and effectively.

-- The Secretary of State, Ambassador Albright and others in our Administration have made clear that such prompt accountability is critical to deter future atrocities and to remove the perpetrators of atrocities from the region.

-- We also have consulted with several members of the Security Council, as well as several other European and African governments, and fully expect the international community to support the prompt establishment of a Tribunal.

-- I would like to secure your commitment today that your government will not try those suspected of committing genocide and other atrocities within a Rwandan judicial system and that you will join with us in actively working toward the establishment of an international Tribunal for Rwanda along the lines established for the former Yugoslavia.

-- I would also like to secure your commitment that your government will take vigorous action to prevent summary executions and other acts of vigilante justice perpetrated in revenge. This would constitute a grave violation of international humanitarian law and undermine the credibility of the new government.

-- Any such atrocities would, of course, also be subjected to prosecution by an international Tribunal.

-- I recognize that the commitments we seek will not be given without demonstration of the international community's resolve and ability to establish a War Crimes Tribunal in a reasonable time period.

-- Let me tell you what we have been doing in this regard and our plans for further action. I would also like to know what other specific actions you would like the international community to take during this interim period as we work to establish a Tribunal.

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War Crimes Tribunal

-- As you know, the United Nations Commission of Experts has been established to determine whether violations of international law occurred and recommend further action. The members are three prominent Africans: Atsu-Koffi Amega, a former president of Togo's supreme court; Habi Dieng, attorney general of Guinea and Salifou Fomba, a professor of international law in Mali.

-- We have made clear to the UN and elsewhere that we believe the work of the Commission should be concluded quickly, well before the four month deadline.

-- Unlike the Yugoslav Commission, which had to conduct extensive investigations of what transpired, it is very clear, particularly in light of the Special Rapporteur's report, that grave violations of international humanitarian law, including genocide, occurred in Rwanda, and thus, there will not be a need for a long investigatory phase. The Secretary-General shares our view and has expressed his desire publicly for the Commission to issue its report quickly.

-- We will be urging the Commissioners to make a visit as soon as possible to Rwanda to begin work.

-- We are prepared to offer USG personnel to the Commission if it will help expedite their work.

-- We have also had consultations with members of the Security Council about the importance of establishing a Tribunal as soon as the Commission's work is over. We fully expect other members of the Security Council to support a Tribunal.

-- To facilitate this process at the UN, we have demarched key African governments (Bujumburu, Dar Es Salaam, Kampala, Kinshasa, Lagos, Nairobi, Pretoria) to express our support for the Tribunal and to seek their support as well.

-- Your government can play an important role in that process by publicly expressing your support for an international Tribunal and by actively encouraging other African governments to do likewise.

-- To expedite the formation a Tribunal, we believe it will be important to build as much as possible on the Yugoslav Tribunal, including sharing common facilities, judges, and Chief Prosecutor. I will leave a paper on the specifics of our proposal with you.

-- Let me point out, however, that by elevating the Chief Prosecutor, a South African who has an excellent reputation as a vigorous enforcer of human rights, to oversee both Rwanda and Yugoslav Tribunals and by sharing common judges and other

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resources, we will avoid many of the delays that hampered the start of the Yugoslav operation.

-- We must, of course, be realistic and understand that there will be some time involved in establishing a Tribunal, even after the Commission concludes its work.

-- But the United States and other governments are committed to doing all that it can to shorten that time period so that prosecutions by an international body can begin as soon as possible.

Other Steps

-- To expedite the work of the Tribunal, we are prepared to send a team of USG personnel to work with your government to identify leading perpetrators and to interview persons with first-hand knowledge of atrocities and collect other relevant information. All work would be turned over to the Commission and, once established, a Tribunal.

-- On two occasions, the USG sent out teams to interview persons with first-hand knowledge of atrocities in the former Yugoslavia. Our reports have helped to jump start the work of the Prosecutor's Office and identify important witnesses and perpetrators on which to focus.

-- We believe a similar effort in Rwanda could have the same effect if you agree that this makes sense.

-- In that regard, it would be useful to know how many persons you believe should be held accountable and how far down the chain of command you believe prosecutors should go.

-- We would be happy to consider any suggestions you may have for expediting the formation of a Tribunal.

Detention of Suspects

-- We understand that you currently have 100 or more suspects in custody. What sort of people are they (army, militia, etc) and what evidence do you have of the extent and nature of their involvement in the massacres?

-- We recognize the importance of detaining persons against whom there is credible evidence that they committed genocide and other atrocities so that they do not escape the reaches of the judicial system.

-- We have opened dialogue with other States as to whether they would be prepared to detain suspects, pending prosecution by an international Tribunal. We understand that Tanzania and Zaire, for instance, may have persons against whom there is credible evidence that they committed atrocities within their borders.

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-- Those discussions are on-going through our embassies and our mission in New York. We would appreciate your thoughts in this regard and will apprise you of any developments in that area.

-- In this interim period, before a Tribunal is fully operational, it is important that the suspects in your custody are detained consistent with international detention standards. This is important both to protect human rights and enhance the legitimacy of the new government.

-- I have brought along the standards developed by the United Nations Crime Prevention and Criminal Justice Branch, which lay out the processes which should be met by all states keeping persons in detention. I will leave those standards with you and would be happy to discuss them further.

-- (If we need an additional sweetener) We would be willing to consider providing resources to help build additional detention facilities, consistent with international standards, to detain suspects if they are held for prosecution by an international Tribunal.

-- I hope you will give your commitment that you will make every effort to ensure that persons within your custody are treated humanely consistent with international standards.

Evidence

-- Gathering evidence about the campaign of genocide and the perpetrators of atrocities will of course be critical to the success of a Rwanda Tribunal.

-- What sort of evidence do you currently have in your possession?

-- For instance, I understand that the local radio stations may have been involved in urging Hutus to commit atrocities. Do you have possession of those tapes or transcripts?

-- Is there any paper trail, such as military orders, lists of persons to be eliminated, etc.?

-- The UN Security Council has called on all States to turn over whatever information they have regarding atrocities. It will be important for your government to contribute to this information-gathering process by turning over copies of all relevant information in your possession.

-- This will expedite the work of the Commission of Experts and, once established, a Tribunal.

-- We are currently gathering all relevant evidence in our possession and seeking contributions from non-governmental organizations. Is your government also willing to take part in this important process?

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Return of Refugees

-- We would also like to work with you to create conditions to encourage refugees to return to Rwanda from neighboring states and thus, help alleviate the current humanitarian crisis.

-- In this connection, we recently approved funding for more than 30 human rights monitors to provide a stabilizing influence that will help create those conditions and alleviate fears that Hutus will be subjected to abuse. We will work to get the monitors here as soon as possible.

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Drafted: L/CNix
8/2/94 SELFOE 153

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Cleared:

AF/C:TMcCulley

IO/UNP:JSnyder

IO/UNP:GStanton

USUN/W:DScheffer

L/AF:GTaft

L/UNA:EBloom

DRL:JRosenblatt

EUR/EE:TSnell

P:EBrimmer

EUR/WE:ACarson

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